

REMARKSRegarding the amendments presented in this reply:

The new claims find support in the original claims and throughout the specification. The claim amendments add no new matter.

The amendments to the specification add no new matter. Three references to co-pending applications have been updated. The specification has also been amended at page 8, indicated lines 7 – 24 to make reference to express that incubator belt 202 comprises a plurality of vessel holding members 207. Incubator belt 202 is identified as a transport device, thus this amendment finds support in original claim 1, which made clear, at the time the application was filed, that the transport device comprised a plurality of vessel holding members. Finally, reference to Figure 6 rather than to Figure 5 on page 11, indicated lines 27 – 30 has been corrected.

The amendments to the drawings add no new matter. Figure 2 has been amended to show vessel holding members 207. A “replacement sheet” showing this amendment is attached to this reply. This amendment finds support in original claim 1.

Regarding the objections to the specification:

The objection to the specification is moot in light of the amendments to the specification.

Regarding the objections to the drawings:

The Examiner should withdraw the objection that the drawings fail to show a “plurality of vessel holding members,” as recited in the claims. The enclosed “Replacement Sheet” for Figure 2, renders this objection moot. The specification has also been amended to make reference to “vessel holding members 207.”

The Examiner should withdraw the objection that the drawings fail to show a “controller,” as recited in the claims. Figure 1 shows “Control Subsystem 101.” The

specification describes this controller on pages 7 and 8. A skilled artisan would, therefore, understand that a “controller,” as recited in the claims, is shown in the drawings.

Regarding the claim rejections:

The Examiner should withdraw the rejection of claims 1 – 21 under 35 U.S.C §112, second paragraph. These rejections are moot in light of the cancellation of claims 1 – 21.

The Examiner should withdraw the rejection of claims 1 – 4, 6 – 22, and 25 – 26 under 35 U.S.C. §102(b) over *Babson et al.* (US 5,885,529). This rejection is moot in light of the cancellation of claims 1 – 4, 6 – 22, and 25 – 26. A similar rejection should not be made with regard to new claims 27 – 47.

With regard to new apparatus claims 27 – 47, Applicants respectfully note that the ‘529 reference does not disclose a multipath access system for use in an automated immunoassay analyzer, comprising a programmable controller, programmed to determine an individual path along the continuous loop for each of a plurality of vessels, where each vessel has a resource requirement, and where the determination of each path is based on the resource requirement associated with each vessel. The computer control utilized in the ‘529 reference does not determine an individual path for each sample. The computer control of the ‘529 reference merely “allows the operator to pick the tests desired for each sample, and, if desired, to prioritize the sample if stat or unstable.”¹ Otherwise, the ‘529 reference assays samples “methodically in sequence around the carousel...”² Thus, an individual path is not determined for each sample. The samples are analyzed in a first-in-first-out manner without regard to resource requirements for each sample.

With regard to new method claim 47, Applicants respectfully note that the ‘529 reference does not disclose a method for controllably moving samples in an automated immunoassay analyzer comprising determining an individual path along a continuous loop for each of a plurality of samples based on a resource requirement for each sample. The

¹ Column 10, lines 17 – 19 *Babson et al.* (US 5,885,529).

² Column 11, line 33 of *Babson et al.* (US 5,885,529).

distinctions discussed above apply.

The Examiner should withdraw the rejection of claims 1 – 3, 5 – 8, 11 – 12, 14 – 16, and 22 – 26 under 35 U.S.C. §102(b) over *Babson et al.* (US 5,316,726). This rejection is moot in light of the cancellation of claims 1 – 3, 5 – 8, 11 – 12, 14 – 16, and 22 – 26. A similar rejection should not be made with regard to new claims 27 – 47.

With regard to new apparatus claims 27 – 46, Applicants respectfully note that the ‘726 reference does not disclose a transport device, comprising a transfer station, comprising a means for moving vessels to and from the vessel holding means.

With regard to new method claim 47, Applicants respectfully note that the ‘726 reference does not disclose a method where for at least one sample the distance traveled comprises the sum of a first distance and a second distance, wherein the first distance is traveled in a clockwise direction around the continuous loop, and the second distance is traveled in a counterclockwise direction around the continuous loop.

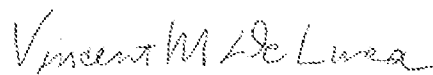
In Conclusion:

The present application is in condition for allowance. Applicants request favorable action in this matter. In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner is welcome to contact the undersigned by phone to further the discussion.

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Respectfully submitted,
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Enclosure: (1) Replacement Sheet for Figure 2.